

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant[s]: Byrne Electrical Specialists, Inc.

Mark: MINI-TAP

Serial No.: 78/139,427

Filing Date: June 27, 2002

BOX RESPONSE/NO FEE

Commissioner for Trademarks

2900 Crystal Drive

Arlington, VA 22202-3514

"Express Mail" Mailing Label No.: EL 635 612 795 US

Date of Deposit: July 30, 2003

Sir:

I hereby certify that the documents listed below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Box Response/No Fee, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514.

<input type="checkbox"/> Transmittal Form	<input type="checkbox"/> Statement of Use	<input type="checkbox"/> Request for Extension of Time
<input checked="" type="checkbox"/> Response to Office Action dated 6/12/2003.	<input type="checkbox"/> Combined Declaration of Use in Commerce/Application for Renewal of Registration	<input type="checkbox"/> Combined Declaration of Use and Incontestability
<input checked="" type="checkbox"/> Postcard	<input checked="" type="checkbox"/> Check for \$100.00	<input checked="" type="checkbox"/> Other Notice of Appeal

Dated: 7/30/03

Carolyn W. Carr
Carolyn W. Carr
VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP
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Grand Rapids, Michigan 49501-0352
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Docket: Byrne T186US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Byrne Electrical Specialists, Inc.
Mark: MINI-TAP
Serial No.: 78/139,427
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Examining Attorney: Irene Williams
Law Office: 112

RESPONSE

BOX RESPONSE/NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Sir:

This paper is responsive to the final Office Action emailed June 12, 2003.

Kindly amend the above-identified application as follows:

1. In paragraph 2, third line, change "Principal" to "Supplemental."

Applicant has requested the foregoing amendment to seek registration on the Supplemental Register. Pursuant to 15 U.S.C. 1091(a), "all marks capable of distinguishing applicant's goods or services and not registerable on the Principal Register...may be registered on the Supplemental Register." Accordingly, Applicant submits that the refusal to register based on Section 2(e)(1) of the Trademark Act is now moot.

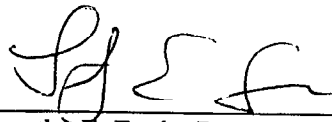
For all of the reasons set forth above, it is respectfully submitted that the refusals to register are not well taken and, thus, those refusals are respectfully traversed. Reconsideration of the final refusal to register is respectfully requested and, further, withdrawal of the refusal to register is requested. Applicant respectfully suggests that the application is in condition for allowance, but has concurrently filed a Notice of Appeal given the final nature of the June 12, 2003 Office Action and respectfully requests pursuant to TMEP § 1105.04(f) and TMEP § 1110 that action on the appeal be suspended and this response examined.

Any deficiency in fees may be charged to Deposit Account No. 22-0257.

Please address any questions regarding this application to the undersigned.

Respectfully submitted,
BYRNE ELECTRICAL SPECIALISTS, INC.

Date 7-29-03

By 
Timothy E. Eagle, Reg. No. 31,755
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